

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

EMILY FISHMAN *et al.*,
Plaintiffs,
v.
TIGER NATURAL GAS INC. *et al.*,
Defendants.

) Case No.: 3:17-cv-05351-WHA
)
) **JOINT [PROPOSED] JUDGMENT**
) (AS MODIFIED)
)
) Judge: Hon. William Alsup
)
)
)
)

On February 22, 2019, this Court entered an Order Granting Preliminary Approval of Class Action Settlement with Defendants Tiger Natural Gas Inc., John Dyet, and Community Gas Center Inc. (Dkt. No. 379). The Order specified the approved manner in which the claims administrator would provide Class Notice to the Class. Following the dissemination of Class Notice, Class Members were given an opportunity to comment or object to the Settlement, to request to be excluded from the Class, and/or to comment on or object to Class Counsel's request for fees and expenses. No one objected to the Settlement or request for fees and expenses. 15 persons requested to be excluded from the Class, as listed on the attached Exhibit "A."

1 On or about March 19, 2019, Defendants served the appropriate documents and information
 2 required pursuant to 28 U.S.C. §1715(b) on the appropriate state and Federal officials, as stated in
 3 Defendants' Notice of Compliance with 28 U.S.C. §1715(b) filed with the Court (Dkt. Nos. 394-
 4 395, filed March 22, 2019).

5 The Court held a hearing on Plaintiffs' Motion for Final Approval of Class Action
 6 Settlement on June 20, 2019, more than 90 days after Defendants served the notice required by 28
 7 U.S.C. §1715(b). The Court reviewed and considered the terms of the oral Settlement, read into
 8 the record before Magistrate Judge Elizabeth Laporte on January 2, 2019, *see* Dkt. No. 363, and all
 9 submissions made in connection with it, including the Motion for Final Approval of Class Action
 10 Settlement (Dkt. No. 402) and the [Corrected] Motion for Attorneys' Fees, Costs, and Incentive
 11 Awards (Dkt. No. 399), and issued an Order granting final approval and attorneys' fees and
 12 expenses (although denying the request for incentive awards for the Plaintiffs/Class
 13 Representatives). Order Re Motion for Final Approval of Class Settlement and Motion for Award
 14 of Attorneys' Fees (Dkt. No. 406, filed June 20, 2019).

15 Pursuant to the Settlement, Defendants have agreed, and Tiger is hereby ordered, to pay the
 16 total Settlement fund of \$3.7 million by July 5, 2019 to the Class Administrator, which fund
 17 includes \$2,612,154 to be distributed equally to 26,842 Class members who did not request
 18 exclusion from the Class, \$870,718 for attorneys' fees, and \$217,128 for litigation expenses, as
 19 determined and awarded by this Court pursuant to its June 20, 2019 Order (Dkt. No. 406). Half of
 20 the attorneys' fees awarded shall be paid to Class Counsel by the Class Administrator immediately
 21 upon receipt of the Settlement fund, and the other half shall be paid when Class Counsel certify to
 22 the Court that the entire Settlement fund has been properly distributed and the file can be
 23 completely closed. Funds remaining from any checks uncashed after six months shall be paid to
 24 the approved *cypres* beneficiary, The Utility Reform Network. *Id.*

25 Each member of the Class (who did not request to be excluded as listed on Exhibit A) will
 26 be mailed a check in the amount of \$97.31. The Settlement Administrator will cause those checks
 27 to be mailed within 10 business days after receiving the Settlement fund. Checks issued to the
 28

1 Class members will be void six months after issuance.

2 The Court expressly adopts and incorporates herein all of the terms of the oral Settlement
3 and the Parties shall carry out their respective obligations under that Agreement.

4 Pursuant to Federal Rule of Civil Procedure 54(b), the Court finds there is no just reason for
5 delay, and therefore directs the entry of Judgment as to all Defendants.

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

7 1. The Court dismisses with prejudice the Third Amended Complaint, and all claims
8 therein, as to all Defendants – Tiger Natural Gas, Inc., John Dyet, and Community Gas Center, Inc.
9 – with each party to bear its own attorneys' fees and costs except those already awarded, *see* Dkt.
10 No. 406.

11 2. Without affecting the finality of this Judgment in any way, the Court reserves
12 continuing and exclusive jurisdiction over the Action and all Parties, including all Class members,
13 and the execution, consummation, administration, and enforcement of the terms of the Settlement.

14 3. The Court sets a deadline of ~~January 30, 2020~~ for Class Counsel to file a status
15 report regarding the monies distributed to the Class and to request this Court to authorize the Class
16 Administrator to release the second half of the attorneys' fees. ~~October 30, 2019~~

17 4. The provisions of this Judgment constitute a full and complete adjudication of the
18 matters considered and adjudged herein, and the Court directs immediate entry of this Judgment by
19 the Clerk of the Court.

20 IT IS SO ORDERED.

21
22 DATED: June 28 2019

23
24 Hon. William Alsup
U.S. District Court Judge

1 Exhibit A

2 **Class Members Who Requested Exclusion**

NUMBER	SIGNATURE
1	ALFORD PARENTE
2	DELLARAE SCHADER
3	FRANK TORRES
4	HARRY WILLEVER
5	JEAN LAIRD
6	JOE MINJARES
7	JUANITA STANLEY
8	MARGARET HILLS
9	ROSE TERESI
10	SALVADOR GAITAN
11	WILLIAM BREWER
12	PHYLLIS WHARTON
13	DOROTHY SEIDEN
14	JEANNETTE SAUCY
15	ANTHONY DOKTOR